

REMARKS

In the Office action mailed from the United States Patent and Trademark Office April 7, 2006 claims 31-33 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite; claim 34 was objected to; claims 31-34 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5, 664, 415 ("Terrier"); claims 31-34 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 6,336,319 ("Koshoffer"); and claims 31-34 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Published Application No. 2003/0033798 ("Dickau"). Accordingly, Applicant respectfully provides the following.

Claim Objections and Claim Rejections under 35 U.S.C. § 112

Applicant has amended claim 34 as suggested by the Examiner. Further, Applicant has amended claim 33 in order to correct the inconsistencies between claim 33 and 34. Accordingly, Applicant respectfully requests the withdrawal of the current objections and rejections under 35 U.S.C. § 112.

Claim Rejections under 35 U.S.C. § 102

The prior art cited by the examiner fails to teach or suggest the claim limitations of the present invention Verdegall Bros. v. Union Oil Co. of California, 814 F.2d628,631 (Fed Cir. 1987).

1.) Rejections under Terrier

Terrier fails to teach or suggest the claim limitations of the present invention. Independent claim 31 claims a nozzle comprising: an intake for initially receiving a fluid therein; a surface relating with said intake that receives fluid flow thereon; a discharge providing an exit for said fluid from said nozzle; and at least one fluid flow regulator featured and operable with said surface, said fluid flow regulator comprising a leading edge, a trailing edge, and an orthogonal a pressure recovery drop extending between said leading and trailing edges to form a

down step, said pressure recovery drop comprising at least one drop face. In particular, Terrier fails to teach an orthogonal pressure recovery drop.

Terrier teaches the use of a shallow approach, steep approach, sharp oriface or reentrant to eliminate or reduce problems associated with after burning turbo fan engines. Terrier does not teach or disclose a drop step, nor does Terrier teach or disclose an orthogonal drop step. Accordingly, Terrier fails to teach or fairly suggest all the limitations recited in the claims of the present invention.

Claims 32-34 contain similar limitations which render them patentable in view of Terrier.

2.) Rejections under Koshoffer

Koshoffer fails to teach or fairly suggest claim limitations of the present inventions. As noted above, the claims of the present invention contain limitations for an orthogonal pressure recovery drop. Koshoffer fails to disclose an pressure recovery orthogonal. Rather, Koshoffer discloses a control system for selectively adjusting an aircraft engines exhaust nozzle to change the operational characteristics of a nozzle. In particular, as indicated in figures 3-6, Koshoffer discloses a non-orthogonal protuberance which may be utilized to affect air flow through an exhaust nozzle. Koshoffer does not illustrate the use of an orthogonal pressure recovery drop. Because Koshoffer fails to teach or fairly suggest the limitations of the present invention, Koshoffer does not anticipate the claims of the present invention.

3.) Rejections under Dickau

Dickau does not teach or fairly suggest the claim limitations of the present invention. In particular, the claims to the present invention contain limitations for an orthogonal pressure recovery drop. Dickau does not teach or fairly suggest the use of an orthogonal pressure recovery drop. Rather, Dickau discloses a vertical takeoff and landing propulsion system, which


separates the flow of exhaust from a combustion chamber. Because Dickau fails to disclose an orthogonal pressure recovery drop, Dickau fails to anticipate the claims of the present invention.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,



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